

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SUNSHINE AYERS,
Plaintiff,

v.

WAL-MART STORES, INC., et al.,
Defendants.

Case No. 14-cv-04707-JCS

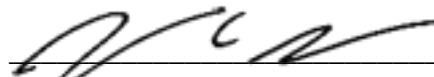
**ORDER TO RESUBMIT JOINT
PROPOSED JURY INSTRUCTIONS**

The parties have filed Joint Proposed Jury Instructions that do not comply with the Court's pretrial order. *See* Docket No. 59, ¶ V(A)(2) & (3). First, rather than filing the jury instructions themselves, the parties have simply filed a list of form instructions. Second, the instructions are to be arranged in "a logical sequence," *see id.*, in other words, in a sequence that will be logical to the jury when the instructions are read to them. The list provided by the parties is not organized in a way that can be easily understood by a jury. Third, many of the form instructions listed by the parties require that specific information be inserted or that the instruction be otherwise tailored to the relevant facts or law. For example, Ninth Circuit Model Jury Instruction No. 1.2 requires descriptions of the parties' claims and defenses. The parties have not provided any of the language that should be used in such instructions. Finally, the Court's pretrial order includes specific guidelines relating to disputed instructions. Where, as here, each side offers an instruction to which the other side objects but does not offer its own competing version of that instruction, the party objecting to the instruction is instructed to "explain why" on a separate page inserted in lieu of an alternate version. Neither side has done so.

1 The parties are instructed to meet and confer and jointly create a set of jury instructions
2 that complies with the Court's order, to be filed no later than December 8, 2015.

3 **IT IS SO ORDERED.**

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5 Dated: December 1, 2015

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8 JOSEPH C. SPERO
9 Chief Magistrate Judge
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